

GARDNER CITY COUNCIL

Agenda

City Hall – 120 East Main Street- Gardner, Kansas

Date: Tuesday, September 4, 2007

Time: 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Members of the public are welcome to use this time to make comments about City matters or items on the agenda that are not part of a public hearing.

CONSENT AGENDA

1. Standing approval of the minutes as written for the regular meeting on August 20, 2007.
2. Standing approval of the expenditures prepared on August 17 and 24, 2007, in the amount of \$2,445,328.45.
3. Consider authorizing the City Administrator to execute an amendment to the engineering services contract with HNTB Corporation to provide construction engineering for the rehabilitation of Runway 8-26.

Background/Description of Item:

At the April 17, 2006 meeting, Council approved an Airport Maintenance Agreement with the Kansas Secretary of Transportation (KDOT) to repair and overlay the east-west runway at the Gardner Municipal Airport. The City is responsible for the cost of design and for the administration of the project. KDOT will reimburse the City for 50% of the construction and construction engineering cost up to a maximum of \$189,983.

On May 21, 2007, a \$31,300 engineering services contract with HNTB to prepare project plans was approved and a \$226,790.35 construction contract with APAC-Kansas, Inc. was approved on August 20, 2007.

HNTB has submitted a fee proposal of \$36,077 to provide construction engineering for the project. The fee includes the following work:

- Inspection (10 days at 3 hours per day, 20 days at 8 hours per day)
- Contract Administration (Pay Estimates, Plan changes, Submittal Review)
- Review Compliance with Contract Prevailing Wage Requirements
- Project Close Out and As-Built Preparation

Included in the fee is \$5,200 for materials testing and \$1,600 in reimbursables. The contract will be billed on an hourly basis up to the proposed fee amount.

The City will temporarily finance this project from cash reserves to be refunded by the sale of General Obligation Bonds. The Airport Board has verbally agreed to pay the debt service for the bonds issued for this project. An agreement with the Airport Board will be considered on a future Council agenda.

Resolution 1726 authorized a bond issuance of \$161,000. As detailed below, the current local share is estimated to be \$170,234. The bond authorization may require adjustment when final costs are known.

	<u>Original Project Estimate</u>	<u>Current Estimate</u>	<u>City</u>	<u>KDOT</u>
Design	\$20,000	\$31,300	\$31,300	
Construction	\$262,000	\$226,790	\$113,395	\$113,395



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact Teresa Anderson, City Clerk at 856-0945 a minimum of 48 hours prior to the meeting.

Construction				
Engineering	\$20,000	\$36,077	\$18,039	\$18,038
Contingency		\$15,000	\$7,500	\$7,500
Total	\$302,000	\$309,167	\$170,234	\$138,933

Staff Recommendation:

Authorize the City Administrator to execute an amendment to the contract with HNTB Corporation to provide construction engineering for the rehabilitation of Runway 8-26 in an amount not to exceed \$36,077.

4. Consider authorizing the City Administrator to sign the Letter of Understanding for funding of the 2008 Minor Home Rehabilitation Program.

Background/Description of Item:

The office of Johnson County Human Services & Aging provides extensive home repairs to qualified low to moderate income residents as long as funds are available. The Minor Home Rehabilitation Program is administered according to CDBG guidelines, policies and procedures. Johnson County agrees to match city funds on a dollar-for-dollar basis to the extent these funds are made available. The budget for 2008 is \$6,200. The funds can be used for roof repair, house painting, water heater replacement, etc. for qualified applicants.

The administrative fee for the program remains the same as last year: 25%.

Staff Recommendation:

Authorize the City Administrator to sign the Letter of Understanding for funding of the 2008 Minor Home Rehabilitation Program in the amount of \$6,200.

5. Consider the Acceptance of Easements and Rights-of-Way for the Final Plat for Cottage Park West, 23rd Plat; FP-07-14

Background/Description of Item: At the August 13, 2007, meeting, the Planning Commission considered the final plat for Cottage Park West, 23rd Plat, a replat of a 0.29 acre tract of land for planned multi-family residential development, located at 864 to 872 S. Woodson Court. The applicant requests approval of a final plat for Cottage Park West, 23rd Plat. Approval for this replat is requested to divide the individual units of the multi-family building currently under construction into separate lots for sale. The application is filed by Collective Investments, L.L.C.; with engineering services provided by Green Engineering Services, Inc.

Planning Commission Recommendation/Action: The Planning Commission unanimously approved the final plat for Cottage Park West, 23rd Plat; as part of the consent agenda.

Staff Recommendation: Accept the easements and rights-of-way for the final plat for Cottage Park West, 23rd Plat (FP-07-14); with no conditions.

6. Consider the Acceptance of Easements and Rights-of-Way for the Final Plat for Cottage Park West, 24th Plat; FP-07-15

Background/Description of Item: At the August 13, 2007, meeting, the Planning Commission considered the final plat for Cottage Park West, 24th Plat, a replat of a 0.25 acre tract of land for planned multi-family residential development, located at 886 to 890 S. Woodson Court. The applicant requests approval of a final plat for Cottage Park West, 24th Plat. Approval for this replat is requested to divide the individual units of the multi-family building currently under construction into separate lots for sale. The application is filed by Collective Investments, L.L.C.; with engineering services provided by Green Engineering Services, Inc. **Planning Commission Recommendation/Action:** The Planning Commission unanimously approved the final plat for Cottage Park West, 24th Plat; as part of the consent agenda.

Staff Recommendation: Accept the easements and rights-of-way for the final plat for Cottage Park West, 24th Plat (FP-07-15); with no conditions.

7. Consider the Acceptance of Easements and Rights-of-Way for the Final Plat for Cottage Park West, 25th Plat; FP-07-16

Background/Description of Item: At the August 13, 2007, meeting, the Planning Commission considered the final plat for Cottage Park West, 25th Plat, a replat of a 0.19 acre tract of land for

GARDNER CITY COUNCIL

Agenda

City Hall – 120 East Main Street- Gardner, Kansas

Date: Tuesday, September 4, 2007

Time: 7:00 p.m.

planned multi-family residential development, located at 895 to 899 S. Woodson Court. The applicant requests approval of a final plat for Cottage Park West, 25th Plat. Approval for this replat is requested to divide the individual units of the multi-family building currently under construction into separate lots for sale. The application is filed by Collective Investments, L.L.C.; with engineering services provided by Green Engineering Services, Inc. Planning Commission Recommendation/Action: The Planning Commission unanimously approved the final plat for Cottage Park West, 25th Plat; as part of the consent agenda. **Staff Recommendation:** Accept the easements and rights-of-way for the final plat for Cottage Park West, 25th Plat (FP-07-16); with no conditions.

8. Consider electing City delegates to the League of Kansas Municipalities business meeting.

Background/Description of Item:

The League of Kansas Municipalities 99th Annual Conference will be held on October 6-9, 2007 in Overland Park. A business and policy session of City voting delegates will be held on Tuesday, October 9th.

The City of Gardner needs to register its League voting delegates. State law provides that the governing body of each member City of the league may elect City delegates from among the City's officers to represent the City in the conduct and management of the affairs of the League. League bylaws provide that a City voting delegate or alternate delegate qualifies by having his or her name, City title and address registered with the executive director.

Staff Recommendation:

Authorize the City Administrator to register Mayor Carol Lehman and City Administrator Stewart Fairburn as Gardner's Voting Delegates at the League of Kansas Municipalities Annual Conference.

NEW BUSINESS

1. Consider adopting a Resolution authorizing the issuance and delivery of \$13,370,000 principal amount of General Obligation Temporary Notes, Series 2007B (renewal and improvement), of the City of Gardner, Kansas.

Background/Description of Item: At the August 6, 2007 meeting, Council adopted Resolution 1728 authorizing the public sale of approximately \$13,370,000 principal amount of General Obligation temporary notes for the purpose of renewing the maturing 2005C notes for Kill Creek Drive and Water Line benefit district and Kill Creek Sanitary Sewer benefit district, and also renewing the maturing 2006C temporary notes for the University Park benefit district project and a portion of the North Sewer Lift Station project. There is an additional \$1,010,000 in new money for the continued construction of the Kill Creek Sanitary Sewer benefit district included in the \$13,370,000.

The City is scheduled to sell \$13,370,000 in General Obligation temporary notes on September 4, 2007 at 11:00 A.M. Moody's rated these temporary notes "MIG 1" which is the highest possible rating for temporary notes.

The projects financed by the notes, Series 2007B:

<u>Par</u>	<u>Purpose</u>
2,485,000	renew 2005C temporary note for Kill Creek Drive and Water Line benefit district
3,195,000	renew 2005C temporary note for Kill Creek Sanitary Sewer benefit district



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact Teresa Anderson, City Clerk at 856-0945 a minimum of 48 hours prior to the meeting.

1,010,000	additional new money for continued construction of Kill Creek Sanitary Sewer B.D.
3,405,000	renew 2006C temporary note for North Sewer Lift Station
<u>3,275,000</u>	renew 2006C temporary note for University Park benefit district
13,370,000	

Bruce Kimmel from Springsted will be at the meeting to answer any questions.

Staff Recommendation: Adopt Resolution No. ____ authorizing the issuance and delivery of \$13,370,000 principal amount of General Obligation Temporary Notes, Series 2007B (renewal and improvement), of the City of Gardner, Kansas, for the purpose of renewing certain outstanding General Obligation temporary notes of the City and temporarily financing a portion of the cost of certain internal improvements of the City.

2. Consider adopting a resolution amending Resolution No. 1701 of the City of Gardner, Kansas, in connection with the authorization of General Obligation bonds of the City to pay the costs of municipal pool improvements.

Background/Description of Item:At the April 17, 2006 meeting, Council adopted Resolution 1701 authorizing the issuance in May of an amount not to exceed \$3,550,000 in general obligation bonds to expand the municipal pool. At that time, the total cost estimate of the project was not known, but in order to meet the construction deadline of Memorial Day weekend, 2007, much of the large equipment such as the slides had to be placed on order and paid for "up front." By issuing debt in May - prior to having a complete cost estimate - staff was able to have cash on hand to pay for the large equipment order and simultaneously skip the step of issuing temporary notes and accruing any corresponding temporary note interest, thereby keeping the total project cost lower. At the June 12, 2006 work session, Council was presented with bid results for the Aquatic Center expansion. At the time, the total project cost estimate for the expansion was \$4,212,450 which included architect and engineering design fees, construction administration fees, construction, and construction contingency. At the June 19, 2006 meeting, Council approved a contract with Titan Construction for construction of the pool expansion in the amount of \$3,796,600. Since that time, Council has approved some small change orders and the construction contract is now \$3,818,470.52. Council should note that the construction contract alone exceeded the amount of debt authorized and issued. Although the final accounting reconciliation of the total project is not yet complete, it is estimated that the final cost of the pool project will be approximately \$4,093,861. Obviously, this amount exceeds the amount of debt that was authorized and issued in May 2006. It is necessary to begin planning for general obligation bonds to fund the remaining balance of the pool project. Anytime the City plans to enter into any federally tax-exempt debt arrangement and reimburse itself for project expenses from debt proceeds, the City must formally declare its intent to do so. The City already fulfilled that obligation by passing Resolution 1701 in April 2006; however, the total project exceeds the amount of debt previously authorized. The cleanest way to prepare for issuing debt for the remaining balance is to adopt this resolution that amends Resolution 1701 to provide authority to issue bonds "in an aggregate amount not to exceed \$4,100,000." This project is funded first by park sales tax revenues. Any shortfalls, if they materialize, will be covered by other available parks funding.

Staff Recommendation: Adopt Resolution No. ____ amending Resolution No. 1701 of the City of Gardner, Kansas, in connection with the authorization of General Obligation bonds of the City to pay the costs of municipal pool improvements.

3. Consider authorizing the City Administrator to execute a contract with IRR Corporate and Public Finance LLC for development consultant services for the Intermodal and Logistics Park project.

Background/Description of Item: This item was tabled at the August 6, 2007 City Council meeting. The IRC recommended that the City use a development consultant to negotiate with the developers for an annexation and development agreement. City Council has discussed this issue and instructed the City Administrator to issue a Request for Qualifications. The request

GARDNER CITY COUNCIL

Agenda

City Hall – 120 East Main Street- Gardner, Kansas

Date: Tuesday, September 4, 2007

Time: 7:00 p.m.

was put on our website, published in the Gardner News and sent to three companies. Two companies responded – Integra (IRR) and Zimmer. Both of these companies could provide the City with excellent service. They both have had major projects in the metro area, several of them as partners. Both companies also teamed with Olsson and Associates for additional services for this project. Both companies were interviewed by a panel consisting of the City Administrator, Assistant City Administrator, Community Development Director, and the Public Works Director. The panel felt that the presentation that IRR made was the best fit with our needs and situation. References of both companies were contacted, and IRR had outstanding recommendations.

The IRR team will evaluate the financial situation of the project, develop strategy options, and implement the approved strategy for the negotiations with the Allen Group and BNSF. Several options for funding the public infrastructure will be determined and the best ones put forward for Council's review and approval. IRR's experience and understanding of the financial implications and needs of all the parties will put the City in the best possible position with the negotiations.

The first item that IRR must do is to negotiate a pre-funding agreement with the Allen Group so that the developer will pay the City for IRR's services.

Staff Recommendation: Authorize the City Administrator to execute a contract with IRR Corporate and Public Finance LLC for development consultant services for the Intermodal and Logistics Park project.

4. Consider a Resolution authorizing staff to proceed with a survey and to prepare descriptions of land that must be acquired for the Bull Creek Lift Station Force Main, Project PW0505.

Background/Description of Item: The Bull Creek Lift Station Force Main will connect the new lift station to the Kill Creek Interceptor Sewer. The force main is located along the Poplar Street alignment between the lift station and Madison, follows the Kill Creek Interceptor Sewer northwesterly to 167th and Waverly, and connects to the interceptor sewer at a manhole west of the Megan Valley subdivision. Approximately 9,500 lineal feet of 16" force main must be installed. This project will be advertised for bid as soon as all temporary and permanent easements are secured.

Right-of-way and easement negotiation have been delayed, due to difficulties with staff, the right-of-way agent and the engineer coordinating easement description and title work. Contact with landowners began during the week of August 27. Staff recommends that Council approve this resolution as the first step toward securing the needed rights-of-way and easements for this project. Staff will return with an ordinance authorizing eminent domain proceedings if a negotiated settlement cannot be reached with any of the 13 landowners.

Staff Recommendation: Adopt resolution no. _____ authorizing city staff to proceed with a survey and to prepare descriptions of land that must be acquired for the Bull Creek Lift Station Force Main, Project PW0505.

5. Consider a Resolution authorizing city staff to proceed with a survey and to prepare descriptions of land that must be acquired for the East Santa Fe Relocation Project.

Background/Description of Item: The East Santa Fe Street Relocation Project will relocate the intersection of East Santa Fe Street and Moonlight from just south of the Burlington Northern tracks to south of the convenience store. This increased separation will improve traffic safety and operations. The project includes construction of 1010 linear feet of 24 foot asphalt street with



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact Teresa Anderson, City Clerk at 856-0945 a minimum of 48 hours prior to the meeting.

open ditches, storm drainage improvements, and driveway construction. A left turn lane will be provided at Moonlight. Construction is planned to begin in Spring 2008 and will be coordinated with the construction of the Moonlight and Main Street project.

Right of way and easement negotiation for this project began in April 2006. To date, a settlement has been reached with one of five land owners and negotiations continue with the other four landowners. Staff recommends that Council approve this resolution as the first step toward securing the needed rights-of-way and easements from these property owners in the event that negotiated settlements cannot be reached.

Staff Recommendation: Adopt resolution no. _____ authorizing city staff to proceed with a survey and to prepare descriptions of land that must be acquired for the East Santa Fe Relocation Project, Project No. PW0409.

6. Consider passing an ordinance Rezoning a portion of Granite Springs, located on the northeast corner of the 167th Street and Waverly Road intersection from A to CP2/C-O; Z-07-05 (PDP-07-04)

Background/Description of Item: At the July 23, 2007, meeting, the Planning Commission opened a public hearing to consider Z-07-05 (PDP-07-04), a request to rezone 26.6 acres of property from A (Agricultural District) to CP-2 (Planned General Business District) and C-O (Office Building District). The hearing was continued to the August 13, 2007 meeting due to inadequate notification of the public hearing by the July 23, 2007 meeting. This item is very similar to what was proposed for the property in October 2006, except that a portion of the property is now requested for the C-O (Office Building District). The Planning Commission at that time had recommended approval, but City Council ultimately voted to deny that request.

Planning Commission Recommendation/Action: At the July 23 and August 13, 2007, meetings, the commissioners discussed their continuing concern regarding where commercial development for the northwest area of the City should be located. A few commissioners expressed some general agreement that a small neighborhood commercial district would be reasonable in this location, but agreed that they did not want to see commercial development on every corner of two arterial streets in the city. They felt that the C-O zoning designation would reduce the impact of the proposed development, and the commissioners generally liked the proposed plan. At the August 13, 2007 meeting, the Planning Commission voted unanimously 6-0 (Kilgore: Absent) to forward the rezoning application for Granite Springs (Z-07-05) from A (Agricultural District) to CP-2 (Planned General Business District) and C-O (Office Building District), and its associated preliminary development plan (PDP-07-04), to the City Council with a recommendation for approval, with stipulations.

Staff Recommendation: Staff's recommendation to the Planning Commission was for denial of the Rezoning Request for CP-2 and C-O zoning districts.

If the City Council concurs with the Planning Commission's recommendation for approval of the CP-2 and C-O zoning districts, staff recommends that the Council approve Z-07-05 (PDP-07-04), with the following stipulations:

- a. The development shall be in accordance with Exhibit A (Preliminary Development Plan) which is filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein.
- b. The proposed development zoned CP-2 shall be limited to 120,000 total square feet of commercial development.
- c. Prior to or concurrent with the application for final development plan approval, stormwater detention plans and calculations shall be submitted for review and approval by public works department staff.
- d. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development department staff.
- e. The private street drive located 450 feet north of the intersection of 167th Street and Waverly Road may be limited to right-turn-only movements in the future when Waverly Road is widened

GARDNER CITY COUNCIL

Agenda

City Hall – 120 East Main Street- Gardner, Kansas

Date: Tuesday, September 4, 2007

Time: 7:00 p.m.

to a standard City thoroughfare, or at such time as the City determines that restricting turning movements is needed to alleviate safety or operational problems.

f. Prior to the issuance of building permits, the Planning Commission shall approve final development plan(s) for the CP-2 zoned area this subject property.

g. Concurrent with construction of any new commercial structure and prior to the issuance of any form of Certificate of Occupancy, the developer shall construct right and left turn lanes and acceleration lane(s) on 167th Street.

The City Council has the following action options for the rezoning request:

- The Council can concur with the Planning Commission recommendation, and pass an ordinance approving Z-07-05 to rezone property to the CP-2 (Planned General Business District) and C-O (Office Building District) with a simple majority vote of the Council;
- The Council can override the Planning Commission recommendation for approval of the Rezoning Request Z-07-05 and deny the requested CP-2 (Planned General Business District) and C-O (Office Building District) zoning with a 2/3rd majority vote of the Council; or,
- The Council can return Rezoning Request Z-07-05 to the Planning Commission for further consideration, stating the specific reasons for the Council's failure to approve or deny the rezoning request.

7. Consider authorizing the City Administrator to execute the Participation Agreement with the Omaha Public Power District for firm power capacity and energy.

Background/Description of Item: In 2004 KCPL notified the cities in their Kansas & Missouri service territories that their wholesale energy rates would become market based contingent to their "market tariff" application approval with the Federal Energy Regulatory Commission. In 2005 and until May of 2006 the cities affected by the KCPL decision were provided with an interim, higher demand fee and energy charge based primarily on fuel cost adjustments and ancillary services provided. In May 2006 the cities formed an EMP (Energy Management Project) through KMEA to negotiate new terms and costs for non firm power supply and ancillary services from KCPL. KMEA became the brokering agent for the five cities (Baldwin City, Gardner, Garnett, Osawatomie and Ottawa) in purchasing and scheduling energy on the SPP network within the KCPL Balancing Authority. Gardner also began receiving Firm Power and energy from Grand River Dam Authority (GRDA) Oklahoma in May 2006 after a successful negotiating process was culminated by KMEA General Manager Jim Widener. GRDA represents 22% of Gardner's present firm energy resources and this long term agreement will expire on May 31st, 2026. On October 1, 2006 KCPL sent the City of Gardner a 42 month letter of notification that the company did not intend on renewing the Municipal Participation Agreement and Amendatory Agreement with Gardner that will come due in May 2010. The letter indicated that a new agreement will be considered and negotiated prior to the expiration of the original agreement dated March 1989. KCPL has indicated that there is no firm power available for Gardner at this time. The construction of their next generation plant will most likely be completed in 2012 and the excess capacity has all been marketed to other utilities in large blocks with KCPL maintaining majority ownership in the new power facility. Gardner was not solicited as a potential partner or participator in the new facility. Electric staff was contacted by the Omaha Public Power District marketing director at the annual Kansas Municipal Utilities conference in May 2007 to inquire of Gardner's electric demand growth and possibly serving as an energy provider. OPPD presently has agreements in place with 21 Municipal and REC customers in the State of Kansas for non firm energy supply. OPPD would like to provide



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact Teresa Anderson, City Clerk at 856-0945 a minimum of 48 hours prior to the meeting.

Gardner with firm capacity and energy beginning in 2008 and ending in 2013. The first step requires that a Participation Agreement be in place prior to negotiating for Gardner's capacity needs during the five year contract and the costs associated with capacity, energy and delivery. There are no required deposits, letters of credit, or payments for securing the agreement between OPPD and City of Gardner. Gardner's electric demand has grown year by year at an average rate of 8.5%. The Gardner electric system will be deficient in capacity credits with the Regional Transmission Operator, SPP in 2008. OPPD has indicated the availability of twenty Megawatts of Capacity to Gardner until the end of 2013. They have also agreed in principle for the City of Gardner to receive the capacity in 5 Megawatt increments as the demand continues to grow year by year.

Staff Recommendation: Authorize the City Administrator to execute the Participation Agreement with the Omaha Public Power District for firm power capacity and energy.

8. Consider approval of change order #3 with Orr Construction for the development of Celebration Park.

Background/Description of Item: The current contract with Orr Construction to develop Celebration Park is currently for \$6,552,354.54. Change order #3 is for an amount of \$195,113.00 bringing the total contract with Orr Construction to \$6,747,467.54. With the addition of change order #3 it brings the total change order amount for the project to \$253,467.54 or just under 4% over the original construction contract. Listed below is a summary of the change order.

Plumbing Changes: The original construction documents call for 1,000 gallon grease interceptors to be included in each of the two concession facilities. The interceptors are not necessary because fryers and grills will not be placed or utilized in the facilities. The original documents also indicate that sewer and potable water lines are included with the maintenance building. It is the opinion of staff that neither is necessary because restroom facilities are located in the concession stand buildings. Staff has requested a price to add a frost free hydrant to the irrigation system to be located outside the maintenance building. The hydrant would be utilized for equipment washing. The contractor has offered a credit to use PVC piping in both restrooms for the sewer vent piping instead of the cast iron that the original plans specify. The above plumbing changes result in a credit in the amount of **\$9,220.00**

Movement of Transfer Well and Pump: The original plans indicate that the transfer pump to be installed and utilized to pump effluent from the wastewater treatment plant to the irrigation pond at Celebration Park would be located in the wells connected to the treatment plant. As the contractor began to make preparations, the waste water treatment plant personnel indicated that the approved location would not allow the City to conduct accurate readings and treatment of the effluent. It is now understood that some of the readings required by the State are taken toward the end of the cascade therefore the transfer pump and well must be located at the end of the cascade. Additionally, staff had some concerns as to the affects there might be on the UV bulbs used to treat the water by pulling the water out of the existing wells. The new design eliminates both concerns. The revised design option does require additional structures, increases the distance and elevation for the water to be pumped, and will include additional earthwork and grading. Engineering was completed for options to include both a cast in-place structure as well as a pre-cast structure. The option for a pre-cast structure appears to be the most cost effective. The change would be an additional cost of **\$44,695.00**.

Revision to Dam Structure and Associated Storm Drain Lines: Construction of the new dam requires a permit be obtained from the State (Department of Ag). Unexpectedly there were major delays in obtaining the permit which was finally received earlier this month, well over a year from the City's original application. The delay in the permit issuance required that the soils for the dam be stockpiled until a permit was received. Some of the additional costs are related to the additional handling of materials. The contractor has agreed to remove all costs associated with additional equipment rent time and has negotiated a very reasonable price to complete the work.

GARDNER CITY COUNCIL

Agenda

City Hall – 120 East Main Street- Gardner, Kansas

Date: Tuesday, September 4, 2007

Time: 7:00 p.m.

The proposal also includes additional costs associated with construction of the trails. Because of the delay, some of the work may have to be completed in the winter where concrete pricing increases and blanket requirements may be necessary. The contractor will be required to track all time and materials and if such efforts are not required, the City will not be charged for them. Major changes required by the State include additional erosion control (rip rap), elevation changes in the dam, added gasketed pipe joints to the primary spillway pipe, additional anti-seep collars, and additional backfill and bedding of the primary spillway pipe.

The delays and changes require an additional **\$191,066.00**.

Fence Footing Revisions: After additional review with staff engineers, it was determined that it was not necessary to include the specified rebar steel in the line posts associated with the fencing around the baseball/softball fields. The rebar was still required for the backstops and all corner posts. The change resulted in a credit of **\$14,914.00**.

Reduction in number of Telephone Conduits: Both concession stands will operate off of the same telephone line, therefore it was not necessary to run separate lines to each of the buildings. The conduit runs from Kill Creek Road to the baseball concession stand and then runs to the soccer concession stand instead of having a separate conduit running to each of the buildings. The change resulted in a credit of **\$1,450.00**.

Revision of Electrical Feeders: Specifications call for the electrical feeders from the transformers to the buildings to be copper. The contractor offered a credit to substitute the copper with aluminum. The City's Electrical and Engineering divisions approve of the materials and cost savings. The change resulted in a credit of **\$24,185.00**.

Cedar Fascia for Shelters: During construction of the shelters, the contractor recommended that additional fascia be used to reinforce the bottom edge of the roof deck. The roof decking material is a tongue in groove wood and the metal roofing material sits on top of that. The concern was that the additional fascia would be necessary to prevent the roof from sagging over time. Staff engineers reviewed and agreed that the addition would be best. The change results in an additional cost of **\$3,726.00**.

Step up Transformer: The power requirements for the irrigation pump that is located in the maintenance building are greater than those required by standard interior lighting and duplex outlets. Currently the service to the building as well as concession #2 are powered by a single transformer. The current voltage is not high enough to power the irrigation pump therefore the need to install a step-up or buck boost transformer. The change results in an additional cost of **\$5,395.00**. All proposed changes and proposals have been provided and approved by the City's engineering staff. Additionally, the cost breakdown for the work and materials associated with each item has been negotiated and reviewed by the engineer consultants and deemed to be fair and justified. This change order will be funded by the park sales tax revenues, with additional transfers from the Park Improvement Fund.

Staff Recommendation: Authorize change order #3 with Orr Construction, Inc in the amount of \$195,113.00.

9. Consider an ordinance amending Ordinance 2205 to lower the Water Development Fee for multi-family residential on a master meter.

Background/Description of Item: During the discussion and passage of the 2008 development fees for water and sewer, the amount for multi-family units in a master metered building was set at 75% less than a unit that was separately metered, which matched the formula used for sewer fees. This ordinance makes this change in the formula for the rest of 2007, lowering the fee from \$3,100 to \$2,300 for the water charge for multi-family units in a master metered building.

There are permits coming soon to the City for currently approved multi-family units that this will affect.



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact Teresa Anderson, City Clerk at 856-0945 a minimum of 48 hours prior to the meeting.

Staff Recommendation: Pass Ordinance #_____ amending Ordinance 2205 and lowering the water development fee for multi-family units in a master metered building from \$3,100 to \$2,300.

ADJOURNMENT